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EXAMINER  
ROMAIN, J

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2765	3

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/976,159

Applicant(s)

Brander et al.

Examiner

Romain Jeanty

Group Art Unit

2765

☒ Responsive to communication(s) filed on Apr 7, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire Three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-32 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-32 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

**Claim Rejections - 35 U.S.C. § 112**

1. Claim 9 recites the limitation "matching" in line 11. There is insufficient antecedent basis for this limitation in the claim.
2. Claim 15 recites the limitation "data base" in line 3. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests that "data base" be replaced with data table.

**Claim Rejections - 35 U.S.C. § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 3-4, 6, 9-12, 14-20, 21-22, 24, 26, 29, 30, and 31 are rejected under 35 U.S.C. 102(b) as being unpatentable over Hawkins et al. (Patent No. 5,497,317).

As per claims 1, 21, 22, 29 and 31, Hawkins discloses a system for facilitating settlement of a securities trade by obtaining agreement as to the details of the trade among a

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broker, institution, agent and interested parties (col. 5, lines 9-19) comprising:

a. A computer system which enables the broker, institution, agent and interested parties to send and receive communications (col. 4, lines 33-44).

b. A standing instruction database containing sets of instructions for trade settlement previously input by the institution, the broker and the agent (see figure 1, element 24; col. 3, lines 23-27).

c. A processing computer within the computer system, which is coupled to the standing database (col. 4, lines 40-44) which is configured to :

i. Receive a communication from the broker containing notice of order execution information (col. 7, lines 52-56).

ii. Receive a communication from the institution containing institution allocation institution information (col. 7, lines 62-66).

iii. Match the institution communication with the broker communication based on information contained in both communications (col. 7, lines 52-59).

iv. If there is a match, generate a confirmation for the trade based on information contained in the broker communication, information contained in the institution communication and

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information stored in the standing instructions database (col. 7, lines 56-62).

v. Make available the confirmation as a communication to the institution, broker, agent and interested parties which facilitates the exchange of money and securities to settle the trade (col. 7, lines 57-62).

As per claim 3 and 24, Hawkins discloses the system of claim 1 in which the broker contains a unique identification number for that communication and the institution communication comprises a data field to reference the unique identification number of the broker communication and the processing computer matches the broker communication and the institution communication on the basis of the unique broker communication identification number (col. 4, lines 45-49; col. 5, lines 15-23, lines 26-33).

As per claim 4, Hawkins discloses a system in which the information in the standing instruction database contains (i) records for the internal customer account numbers of the institution's accounts and the corresponding internal account numbers used by the broker for those accounts and (ii) a record to link those internal account numbers and if there is a match, the processing computer generates the confirmation by accessing the record that links the internal account numbers and the data based on those account numbers (col. 9, lines 63-67; col. 9, lines 1-9; col. 8, lines 26-34).

As per claim 6, Hawkins discloses a system in which the institution communication contains a data field which indicates

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that the institution is the affirming party for the trade and the processing computer generates a confirmation which contains this indication in a data field (col. 5, lines 19-23).

As per claim 9, Hawkins discloses a computer-based for settlement of a securities trade among an institution, broker, agent and interested party (col. 4, lines 9-19), the system comprising:

A processing computer configured to receive a communication from the broker comprising data fields with information concerning the executed trade (col. 4, lines 40-44), and receive a communication from the comprising data fields with information concerning the executed trade (col. 4, lines 26-29), where some of the data fields within the institution communication corresponding to the data fields within the broker communication (col. 5, lines 19-25), and match the broker communication and the institution communication matching the data within a preselected set of the corresponding data fields (col. 7, lines 52-59).

As per claim 10, Hawkins discloses a system where the broker communication is a notice of order execution(col. 7, lines 47-51).

As per claim 11, Hawkins discloses a system where the institution communication is an institution allocation instruction(col. 7, lines 52-56).

As per claim 12, Hawkins discloses a system for facilitating settlement of a securities trade among a broker, institutions, agent, and interested parties (col. 4, lines 9-19) comprising:

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a. A computer system which enables the broker, institution, agent and interested parties to send and receive communications (col. 4, lines 33-44).

b. A processing computer within the computer system, which is configured to :

i. Receive a communication from the broker containing notice of order execution information (col. 7, lines 52-56).

ii. Receive a communication from the institution containing institution allocation institution information (col. 7, lines 62-66).

iii. Match the institution communication with the broker communication based on information contained in both communications (col. 7, lines 52-59).

iv. If there is a match, generate a confirmation for the trade based on information contained in the broker communication, information contained in the institution communication and information stored in the standing instructions database (col. 7, lines 56-62).

v. Make available the confirmation as a communication to the institution, broker, agent and interested parties which facilitates the exchange of money and securities to settle the trade (col. 7, lines 57-62).

As per claim 14, Hawkins discloses:

a. A trade confirmation communications system comprised to receive, process and transmit communications from and to the parties(see figure 2, element 62; col. 4, lines 33-44).

b. A standing instructions data base coupled to the trade confirmation communications system having at least one data table for storing a plurality of information related to the trade

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stored by at least one of the parties (col. 2, lines 58-61; col. 3, lines 38-42).

c. A matching controller to and within the trade confirmation communications system comprised to receive a trade communication containing order execution information from one of the parties and receiving information concerning a trade allocation information from an other one of the parties (col. 7, lines 52-66); and

d. The trade communications system further comprised to generate a confirmation based on information within the received communication and information stored within the standing instruction database (col. 1, lines 47-51; col. 7, lines 41-47; col. 13, lines 20-21).

As per claim 15, Hawkins discloses at least one institution, broker, and agent information data table (col 6, lines 9-16), broker/institution link data table (col. 6, lines 59-63), and a broker confirmation information data table (col. 8, lines 63-67).

As per claims 16, 17, and 18, Hawkins discloses a system wherein the standing instructions database further comprises at least one institution information data table and wherein at least one institution information data table is for storing institution and account information (col. 3, lines 38-42; col. 6, lines 25-33).

As per claim 19, Hawkins discloses a system wherein the standing instructions database further comprises at least one institution information data table and wherein at least one



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broker information data table is for broker confirmation information (col. 3, lines 38-42).

As per claim 20, Hawkins discloses a system wherein the related data storage table further comprises at least one file containing the names and addresses all parties involved in the trade (col. 7, lines 41-47)

As per claim 30, Hawkins discloses the method of claim 29 in which the step of storing information in the standing data base comprises the storing (i) records for the internal customer account numbers of the institution accounts and the corresponding internal account numbers used by the broker for those accounts (col. 3, lines 31-36), and (ii) a record to link those internal account numbers and the step of generating a confirmation and comprises the further step of (i) (col. 4, lines 19-33), (i) accessing the record that links the internal account records and accessing the internal account number records based on the link(col. 8, lines 63-67; col. 9, lines 1-11).

#### **Rejections - 35 U.S.C. § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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6. Claims 2, 5, 7, 8, 13, 23, 25, 27, 28, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins (Patent No. 5,497,317).

As per claims 2 and 23, Hawkins fails to teach an institution identification number, a broker identification number, a security identification number, a buy/sell code, a number of shares or face value, a settlement amount. However, the examiner takes official notice that an institution identification number, a broker identification number, a security identification number, a buy/sell code, a number of shares or face value, a settlement amount is old and well known in the trading business arts. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include an institution identification number, a broker identification number, a security identification number, a buy/sell code, a number of shares or face value, a settlement amount in order to ensure the accuracy of a trade.

As per claim 5 and 25, Hawkins fails to disclose the feature of an institution communication that contains a tolerance data field which specifies a tolerance value. The examiner takes official notice that a tolerance data field which specifies a tolerance value is old and well known in the trading business arts. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include a tolerance data field which specifies a tolerance value in order to maximize availability, and provides brokers and institution equal access.

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As per claims 7, 8, 27, 28 and 32, Hawkins fails to disclose the retrieval and storing of the broker's information before attempting to match the information with the institution's information. However, examiner takes official that retrieval and storing of broker's information before attempting to match the information with an institution's information is old and well known in the trading business art. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include retrieval of information before attempting to match it because it would provide the capability to completely review the content of the information prior to its matching.

As per claim 13, Hawkins discloses a computerized communication system used to exchange communications between a broker and an institution in the settlement of a securities trade comprising:

d. Hawkins discloses a computer processor which compares the data within data fields of the broker communication with the data within data fields of the institution communication and if the data matches, generates a confirmation for the trade and makes available that confirmation to the institution, broker, agent and interested parties which facilitates the settlement of the trade (col. 7, lines 52-67; col. 8, lines 1-2),

Hawkins also discloses a broker communication containing data within data fields designated by:

An institution, a broker, a security identification number(col. 3, lines 38-42), a buy/sell code (col. 9, lines 16-18, lines 21-22), number of shares or face value (col. 7, lines

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11-13), settlement amount (col. 2, lines 1-7), trade date and settlement date (col. 2, lines 8-14).

Hawkins fails to disclose an institution communication containing data within data fields designated by an institution, broker, and security identification number, buy/sell code, number of shares or face value, settlement amount, trade date, and settlement. However, examiner takes official notice that communication containing data within data fields designated by:

an institution, broker, and security identification number, buy/sell code, number of shares or face value, settlement amount, trade date, and settlement date are old and well known in the trading art. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to include an institution communication data within data fields designated by an institution, broker, and security identification number, buy/sell code, number of shares or face value, settlement amount, trade date, and settlement date because it would ensure the accuracy of exchanging trading information between two parties.

### Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on weekdays from 8:00 a.m to 4:30 p.m.

If attempts to reach the examiner are not successful, the examiner's supervisor, Allen R. MacDonald, can be reached at (703) 305-9708. The fax number for this group is (703) 305-5397.

Romain Jeanty

  
ALLEN R. MACDONALD  
SUPERVISORY PATENT EXAMINER